

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA**

MICHAEL MONTGOMERY,

Plaintiff,

vs.

WAL-MART STORES, INC.;
KINDERHOOK INDUSTRIES II,
L.P.; KINDERHOOK INDUSTRIES,
L.L.C.; KINDERHOOK CAPITAL
FUND II, L.P.; CRESTWOOD
HOLDINGS, INC.; BERGAN, L.L.C.;
JOHN ELMBURG; ROBERT
ELMBURG; ERIC ELMBURG;
ROCKY FLICK; HOME DEPOT
U.S.A., INC.; DOES 1 through 20
inclusive,

Defendants.

CASE NO. 12CV3057 JLS (DHB)

**ORDER GRANTING JOINT
MOTION FOR CONTINUANCE OF
STATUS CONFERENCE DATE**

(ECF No. 75)

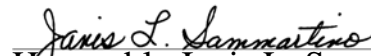
Presently before the Court is Plaintiff Michael Montgomery (“Plaintiff”) and Defendants Kinderhook Industries II, LP, Kinderhook Industries, LLC, and Kinderhook Capital Fund II, LP’s Joint Motion for Continuance of Status Conference Date. (ECF No. 75). The parties represent that Blitz U.S.A., Inc.’s Chapter 11 bankruptcy is still actively pending before the U.S. Bankruptcy Court for the District of Delaware and the automatic stay of all proceedings against Blitz U.S.A. remains in place. The parties reached a settlement involving numerous parties and other lawsuits. A motion to approve the proposed settlement and related

1 motions were filed with the Bankruptcy Court on July 24, 2013. The Bankruptcy
2 Court approved the bankruptcy confirmation plan and settlement on January 30,
3 2014 and its order confirming the plan and settlement is final. The bankruptcy
4 settlement trust has been funded and the parties anticipate being able to report to this
5 Court by June 15, 2014 that the settlement of this lawsuit against all parties, except
6 for Home Depot U.S.A., Inc., has been paid and completed. After that date, Plaintiff
7 anticipates filing a motion in this Court to lift the previously granted motion to
8 suspend case activity regarding Home Depot U.S.A., Inc.

9 Having read and considered the Joint Motion, and good cause appearing
10 therein, the Court **GRANTS** the motion. The Status Conference in this matter,
11 currently set for May 8, 2014 is re-set for August 7, 2014 at 1:30 p.m.

12 **IT IS SO ORDERED.**

13 DATED: May 2, 2014

14 
15 Honorable Janis L. Sammartino
16 United States District Judge
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